

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

KELLY HAUSCHILD,

Plaintiff,

v.

KOHL'S DEPARTMENT STORES, INC.,

Defendant.

CASE NO. 1:20-cv-2424

**PETITION FOR REMOVAL OF ACTION**

Defendant Kohl's Department Stores, Inc., by counsel, and for its Petition for Removal of Action, Kohl's Inc., states as follows:

1. On August 18, 2020, Plaintiff filed her Complaint against Defendant Kohl's Department Stores, Inc., (hereinafter "Kohl's"), in the Marion Superior Court Civil Division 11, under Cause Number 49D11-2008-CT-28083.

2. In her Complaint, Plaintiff alleges that on January 25, 2019, she was an invitee on the Kohl's premises when she slipped and fell, causing her injuries and damages.

3. Plaintiff alleges that she sustained damages as a result of an incident at a Kohl's store.

4. Plaintiff Kelly Hauschild is a citizen of the State of Indiana.

5. Defendant is incorporated under the laws of the State of Delaware with its principal place of business in Menomonee Falls, Wisconsin.

6. Defendant contends that this cause is removable under 28 U.S.C. § 1332 and none of the impediments to removal under 28 U.S.C. § 1445 are present in this action.

7. Defendant certifies that to the best of its knowledge, information and belief, the

amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as Plaintiff Complaint alleges that Defendant breached its duty to Plaintiff causing Kelly Hauschild to incur “bodily injury, economic injury, pain and suffering and mental and emotional upset”.

8. Those injuries have been alleged to include a compound fracture of the right arm, with a dislocation of the right wrist, and accompanying tendon damage. Plaintiff alleges that medical treatment for these injuries has to date included four surgeries, including an open reduction/internal fixation of the fracture, followed by procedures to remove hardware and correct alignment of the ulna. Plaintiff further claims ongoing treatment of these injuries, as well as deficits in her ongoing activities of daily living, and loss of income.

9. This Petition for Removal is being filed with the Court within thirty (30) days after determining that the basis for diversity jurisdiction exists.

10. Copies of all pleadings filed in the state court action that are in the possession of Defendant are attached as “Exhibit A”.

11. Contemporaneously, a written notice is being provided to all adverse parties and to the Clerk of the Marion Superior Court, Civil Division 11 that this Petition of Removal is being filed in this Court.

**WHEREFORE**, Defendant, Kohl’s Department Stores, Inc., prays that the entire state court action pending in the Marion Superior Court, Civil Division 11 of Indiana, under Cause Number 49D11-2008-CT-28083, be removed to this Court for all further proceedings.

Dated: September 18, 2020.

Respectfully Submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Matthew J. Jankowski  
Matthew J. Jankowski (#20972-49)  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2020, the foregoing has been filed through the Court's ECF system and notice has been electronically served on all counsel of record. Parties may access this filing through the Court's system.

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/s/ Matthew J. Jankowski

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